

1 THE HONORABLE TANA LIN
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 SECURIAN LIFE INSURANCE
11 COMPANY,

12 Plaintiff,

13 v.

14 SONAM SAXENA, an individual; THE
15 ESTATE OF SMRITI SAXENA, by and
16 through its Personal Representative Sonam
17 Saxena; and DOES 1 to 10, inclusive,

18 Defendants.

19 Case No. 2:24-cv-00012-TL

20 **STIPULATED MOTION AND
21 ~~PROPOSED~~ ORDER FOR LEAVE TO
DEPOSIT INTERPLEADER FUNDS**

22 **[Local Court Rules 7(d), 67; FRCP 67]**

23 **NOTE ON MOTION CALENDAR:
April 16, 2024**

24 IT IS HEREBY STIPULATED by and between Plaintiff Securian Life Insurance Company
25 and defendants SONAM SAXENA, an individual, and THE ESTATE OF SMRITI SAXENA, by
26 and through its Personal Representative Sonam Saxena that Securian Life be granted leave to
27 interplead the sum payable under the subject insurance policy (including applicable interest and a
28 deduction of an award of attorneys' fees and costs) as follows:

29 1. Securian Life Insurance Company ("Securian Life") is subject to competing claims
30 for insurance benefits in the amount of \$750,000.00 (the "Death Benefit") payable because the
31 death of Smriti Saxena (the "Decedent"), an employee's dependent insured under group term life
32 insurance policy number 70412 (the "Policy") issued by Securian Life as a part of Google LLC's
33 employee welfare benefit plan governed by the Employee Retirement Income Security Act of 1974
34 ("ERISA"). Securian Life claims no beneficial interest in the Death Benefit at issue. Rather,
35 pursuant to Federal Rule of Civil Procedure 22 and 28 U.S.C. §1332, Securian Life seeks to have
36 STIPULATED MOTION FOR LEAVE TO DEPOSIT
37 INTERPLEADER FUNDS

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1 the persons with adverse claims to the Death Benefit interplead and resolve their competing claims,
 2 and for Securian Life to be discharged from all further liability. As such, Securian Life should be
 3 permitted, pursuant to Federal Rule of Civil Procedure 67, to pay the Death Benefit (plus interest
 4 and less attorneys' fees and costs) into the Registry of the Court.

5 2. Securian issued group term life insurance policy number 70412 (the "Policy") to
 6 Google LLC providing a Dependents Term Life Insurance Certificate Supplement ("Supplement")
 7 to eligible employees' dependents, including Sonam Saxena's spouse Smriti Saxena (herein the
 8 "Decedent"). *See* Complaint, Dkt. No. 1, at ¶ 8. The Policy (and Supplement) is a part of Google
 9 LLC's employee welfare benefit plan governed by ERISA. *Id.* Under the ERISA plan, The
 10 Supplement provided that Securian will pay the Death Benefit to "you [(Sonam Saxena)] if living,
 11 otherwise to your estate." *Id.*, at ¶ 10. The Supplement does not otherwise designate a person as
 12 secondary beneficiary. *Id.* The Death Benefit under the Policy payable by reason of the Decedent's
 13 death, and subject to this interpleader action, is \$750,000.00. *Id.*, at ¶ 9.

14 3. Prior to, and until, February 18, 2020, Sonam Saxena was the eligible employee
 15 under the ERISA plan and was the designated beneficiary pursuant to the terms of the Supplement.
 16 *Id.*, at ¶ 11. The Decedent died on February 18, 2020. *Id.*, at ¶ 12.

17 4. Shortly after Decedent's death, Securian received notice of Decedent's death and
 18 opened a claim for the Death Benefit under the Supplement. Securian is the insurance carrier and
 19 claims administrator under the Policy and Supplement. *Id.*, at ¶ 13.

20 5. Securian received a copy of the death certificate regarding the Decedent which listed
 21 the cause of death as homicidal violence of undetermined etiology. *Id.*, at ¶ 14.

22 6. With respect to the Death Benefit owed under the Supplement, Securian Life has
 23 received and/or is otherwise on notice of competing and adverse claims to the Death Benefit. *Id.*,
 24 at ¶ 20. Thus, Securian Life is unable to pay the Death Benefit without being exposed to the risk
 25 of double or multiple liability and/or contravening Google's ERISA governed employee welfare
 26 benefits plan.

27 7. On January 3, 2024, Securian Life filed a Complaint in Interpleader pursuant to
 28 Federal Rule of Civil Procedure 22 and 28 U.S.C. §1332 asking that the Court interplead the
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1 Defendants, fully and finally discharge it from all liability under the Policy, award its fees and
2 costs, and dismiss it from the action. *See*, Complaint, Dkt. No.1. The defendants have appeared.
3 *See*, Answers to Complaint at Dkt. Nos. 14 and 15.

4 8. Federal Rule of Civil Procedure 67 permits Securian Life to deposit the Death
5 Benefits under the Policy into the Court's Registry. Specifically, Rule 67 provides:

6 If any part of the relief sought is a money judgment or the disposition of a sum of money or
7 some other deliverable thing, a party—on notice to every other party and by leave of court—
8 may deposit with the court all or part of the money or thing, whether or not that party claims
any of it. The depositing party must deliver to the clerk a copy of the order permitting
deposit.

9 FED. R. CIV. P. 67(a).

10 9. Securian Life has complied with Local Rules 7(d) and 67 with regard to the request
11 to deposit funds. A proposed order is included with this stipulated motion.

12 10. Depositing the Death Benefit (\$750,000.00) plus any applicable interest and less
13 Securian Life's attorneys' fees and cost will facilitate judicial economy by permitting Securian
14 Life, which is merely an innocent stakeholder, to withdraw from the dispute while entitlement to
15 the Death Benefit is resolved between adverse claimants.

16 11. The parties agree that Securian Life is entitled to recover its fees and costs totaling
17 \$23,111.60 and this amount should be deducted from the Death Benefit prior to deposit into the
18 Court's Registry. An award of attorneys' fees and costs to an interpleader plaintiff may be deducted
19 from the interpleaded funds. *See Schirmer Co. Ltd. v. Seaboard Stevedoring Corp.*, 306 F.2d 188,
20 194–95 (9th Cir. 1962).

21 12. For the reasons set forth above, the parties request an Order permitting Securian Life
22 to deposit the Death Benefit (\$750,000.00) plus applicable interest and less \$23,111.60 to the Clerk
23 of this Court for the Court to deposit into the Court's Registry. The deposit shall be made within
24 30 days of the Order. The Clerk shall deposit the amount tendered by Securian Life into the Court's
25 Registry until such time as the Court makes an order directing disbursement and distribution of
26 these funds.

1 DATED this 16th day of April 2024.

2 McDOWELL HETHERINGTON LLP STOKES LAWRENCE, P.S.

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ORDER

IT IS SO ORDERD:

1. Securian Life Insurance Company may deposit \$750,000.00, plus applicable interest and less \$23,111.60 into the Court's Registry. The deposit shall be made within 30 days of this Order.

2. The amount tendered by Securian Life into the Court's Registry shall remain in the Registry until such time as the Court makes an order directing disbursement and distribution of these funds.

3. The Clerk is directed to deposit funds into the Registry of the Court in the principal amount of \$750,000.00, plus applicable interest and less \$23,111.60

Dated: April 22, 2024


Hon. Tana Lin
UNITED STATES DISTRICT JUDGE

Hon. Tana Lin
UNITED STATES DISTRICT JUDGE

STIPULATED MOTION FOR LEAVE TO DEPOSIT

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